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Marlborough, MA 01752  
December 13, 1991

RULES AND REGULATIONS GOVERNING  
THE SUBDIVISION OF LAND

MARLBOROUGH, MASSACHUSETTS

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND  
MARLBOROUGH, MASSACHUSETTS

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the City of Marlborough by Section 81-0 of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

SECTION II. GENERAL

A. DEFINITIONS:

APPLICANT: A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a plan believed not to require approval or a person who applies under Section V. "Applicant" shall include an owner, or his agent or representative, or his assigns.

BOARD: The Planning Board of the City of Marlborough.

GENERAL LAWS: (Abbreviated G.L.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

LOT: An area of land in one (1) ownership, with definite boundaries ascertainable or to be ascertainable of record, and used, or set aside and available for use, as the site of one (1) or more buildings and buildings accessory.

LANE: A secondary street which serves as access to no more than eight (8) potential dwelling units, has lot frontages averaging 150' or more, and is incapable of extension.

(Amended 7/18/88)

MUNICIPAL SERVICES: Sewers, surface water drains, water pipes, and their respective appurtenances. (Amended 12/2/91)

OWNER: As applied to real estate, the person or persons holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate.

PRELIMINARY PLAN: A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section III to facilitate proper preparation of a definitive plan.

PLAN OR DEFINITIVE PLAN: The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

ROADWAY: That portion of a way which is designed and prepared for vehicular travel.

STREET, MAJOR: A street which, in the opinion of the Board, is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

STREET SECONDARY: A street, which in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots.

SUBDIVISION: "Subdivision shall mean the division of a tract of land into two (2) or more lots and shall include re-subdivision, and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has frontage on: (1) a public way, or a way which the Clerk of the ...city certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the...city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other...ordinance, if any, of said....city for erection of a building on such lot..."

"Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the subdivision control law went into effect in the city in which the land lies into separate lots on each of which one (1) of such building remains standing, shall not constitute a subdivision." (Section 81-L of Chap. 41, G.L.)

WAY: The entire width of the layout.

B.PLAN BELIEVED NOT TO REQUIRE APPROVAL.

#### 1.Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (See Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board requests the applicant to arrange for the Engineering Department to review the plans prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor. (Amended 1/7/91)

Said plan shall contain the following information:

- a) Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- b) In the case of the creation of a new lot, remaining frontage shall be shown.

c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.

d) Notice of any decisions by the Zoning Board of Appeals.

e) Location of all buildings. (Added 1/7/91)

## 2. Endorsement of Plan Not Requiring Approval

If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." The plan will be returned to the applicant, and the Planning Board shall notify the City Clerk in writing of its action.

## 3. Determination that Plan Requires Approval

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform in writing the applicant and return the plan. The Planning Board will also notify the City Clerk in writing of its action.

## 4. Failure of Board to Act

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

## C. APPROVAL PLAN REQUIRED

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefor or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.



#### D.MORE THAN ONE SINGLE FAMILY DWELLING ON A LOT

Not more than one single family dwelling designed or available for use as such, shall be erected or placed or converted to use as such on any lots in a subdivision, without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision. (Amended 7/18/88).

#### E.APPLICATION TO PLANNED UNIT DEVELOPMENT

A plan submitted under the Planned Unit Development of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a Definitive Plan, and all design and construction specifications shall apply to all interior streets (considered secondary streets unless otherwise designated by the Planning Board) public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

#### F.ADEQUATE ACCESS (Added 7/18/88)

##### 1.General

No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL C. 41, Sections 81-K through 81-GG.

In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.  
(Added 1/7/91)

##### 2.Standards of Adequacy

(a)Streets Within a Subdivision: Streets within a subdivision shall be considered to provide adequate access if any only if complying with the standards established in this Regulation.

(b) Ways Abutting, Serving or Leading to a Subdivision: Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that prior to construction on any lots, access will be in compliance with the following:

Development Potentially Served

	8 or fewer dwelling units	9-49 dwelling units	50 or more dwelling units or business or industry
Min. Right of Way Width	N/A	N/A	40 feet
Surface Type	3 inches bituminous concrete	3 inches bituminous concrete	3 inches bituminous concrete
Minimum Travelled Width	22 feet	26 feet	32 feet
Minimum Site Distance	200 feet	200 feet	400 feet
Maximum Grade	12 %	11 %	9 %

### 3.Obligations

The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required in paragraph 2 above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in paragraph 2 above.

In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above. (Added 1/7/91)

#### 4.Waivers

The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief, and Mayor, that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

#### G.FEES AND EXPENSES

To reimburse the City for the cost of plan processing and review, legal advertising, inspection, and other costs, fees as specified in Appendix K shall be tendered to the City by the Applicant. Said fees shall be tendered at the time of application together with the application (Forms A, B, or C) and shall constitute a part thereof, and at other times as specified in Appendix K. (Amended 7/18/88 & 1/7/91)

### SECTION III PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

#### A.PRELIMINARY PLAN

##### 1.General

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each board. The submission of such a Preliminary Plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. (Amended 1/7/91). A properly executed application Form B (see Appendix B) shall be filed with the Preliminary Plan submitted to the Planning Board. The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application Form B.

## 2.Contents

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale, preferably forty feet (40') to the inch, and five (5) prints of it shall be filed with the Planning Board and one (1) print shall be filed with the Board of Health at City Hall. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the problems of the subdivision and for preparation of the Definitive Plan, the plan should contain the following:

- (a)Major features of the land such as existing walls, fences, buildings, large trees, wooded areas, out-croppings, ditches, the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan".
- (b)The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.
- (c)The names of all abutters, as determined from the most recent local tax list.
- (d)The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner.
- (e)The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- (f)The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (g)The names, approximate location and widths of adjacent streets.
- (h)The topography of the land with a two-foot contour interval based on the U.S. Coast and Geodetic 1929 Datum. The origin of said topography shall be noted on the plan. (Amended 1/7/80)
- (i)The profiles of existing grades and approximate proposed finished grades of the roadway, drain and sewer utilities.
- (j)The water distribution system.

(k)Comparative Impact Analysis: (Added 1/7/91) A Comparative Impact Analysis shall be submitted for any subdivision creating frontage potentially allowing ten or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a Preliminary Plan is filed, the Analysis shall be submitted during the Preliminary Plan process. If a Preliminary Plan is not filed, the Analysis shall be filed during the Definitive Plan process.

Alternatives: The Analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical, and conform to the requirements for a Preliminary Plan or a Definitive Plan if applicable. If the Zoning Ordinances allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.

Scope: The scope of such Analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, City Planner, and Conservation Officer regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board. After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an Analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an Analysis, including types of technical data that will be accepted.

Mitigation: Possible measures for mitigation shall be outlined with the Preliminary Plan, if the Analysis is submitted during the Preliminary Plan. However, specific measures for mitigation do not have to be proposed until the Definitive Plan.

Differences: The Analysis shall indicate differences between the alternatives regarding the following unless requested otherwise by the Planning Board:

- i)Ground and Surface Water: Impact upon ground and surface water quality and level including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development;
- ii)Wildlife and Botanical Features: Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors and relationships to and through adjacent properties;
- iii)Soil and Vegetation: Capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability;
- iv)Public Water Supply and Sewerage: Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer;
- v)Streets and Traffic: Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment, or other characteristics of access roads;
- vi)Recreation, Open Space and Scenic Values: Difference in potential recreation for residents of site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.

Decision: The Planning Board shall determine and indicate to the applicant which layout is preferred during the Preliminary Plan process or alternatively the Board may defer its determination until the Definitive Plan process when further information may be submitted or required.

### 3.Approval

The Planning Board, preferably with the advice of the Board of Health, may give such Preliminary Plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the Definitive Plan. One (1) copy of the Preliminary Plan will be returned to the subdivider.

## B.DEFINITIVE PLAN

### 1.General

Any person who submits a Definitive Plan of a Subdivision to the Planning Board for approval shall file with the Board the following:

- (a)An original drawing of the Definitive Plan and eight (8) contact prints (Amended 1/7/91) thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- (b)A properly executed application Form C.(see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D) including the name of the record owner of the land (amended the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two (2) years of the date of approval of his Definitive Plan. (Amended 1/7/91). If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed, or portions thereof, within two (2) years from the date of approval by the Board, shall thereafter be completed in accordance with the then in force construction standards of the Planning Board and the Department of Public Works of the

(c) Deleted (7/18/88)

(d) (Amended 1/7/91) Comparative Impact Analysis: submit all information required under SECTION III. A.2.k. if a Preliminary Plan has not been filed. The applicant is encouraged to prepare and submit a Preliminary Plan including the Comparative Impact Analysis during the Preliminary Plan process instead of the Definitive Plan process. If the Analysis was submitted at the Preliminary Plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said Analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

## 2.Contents

The Definitive Plan shall be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth or single matte 3 mil. mylar. (Amended 7/18/88) The plan shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical. All elevations shall refer to the U.S.C. and G. 1929 Datum. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a one inch border. There shall be an index sheet at a scale of one inch (1") equals one hundred feet (100') showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers. The Definitive Plan shall contain the following information:

(a) A title stating the date, scale, bench mark, north point, name and address of the record owner of the



land (amended 11/19/74), name and address of petitioner, and of surveyor, name of proposed subdivision of land, if any, names of proposed streets, and zoning classification and Zoning District Lines. If any, within the locus of the plan.

(b) Location and ownership of abutting property as it appears in the most recent tax list.

(c) Land abutting any limited access or controlled access highways shall show the words, "No Access", wherever applicable.

(d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees, wooded areas, out-croppings and ditches that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL Chapter 131, Sections 40 and 40A as determined by a botanist. (Amended 7/18/88)

(e) Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.

(f) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.

(g) Location of all permanent monuments properly identified as to whether existing or proposed.

(h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.

- (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
- (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
- (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
- (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the centerline drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4') or such scale acceptable to the Planning Board. At least two bench marks are to be shown on plans and profiles, and grade elevations at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Elevations shall refer to N.G.V.D. datum only. Gradient shall be shown by figures expressed in percent. (Amended 7/18/88).
- (m) Size and location of existing and proposed water supply (mains and their appurtenances (March 7, 1974), size and location of all underground conduit and appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, street light locations, (Amended 6/29/72) storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision.

If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or

subdivider, the latter shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.

(n)Hydraulic and hydrologic calculations shall be prepared by a Registered Professional Engineer in accordance with the requirements of the City Engineer. (Amended 7/18/88).

(o)Location and species of proposed trees and trees to be retained with trunks over four inches (4") in diameter, measured twelve inches (12") above the finished ground level, located within twenty feet (20') of the street right-of-way line of existing or proposed streets.

(p)Cross sections typical of each street or roadway to be constructed.

(q)Location of proposed sidewalks.

(r)In tabular form as follows for each sheet of the subdivision plans as submitted:

(1)The area which is being subdivided on each sheet.

(2)The total area of lots included on each sheet.

(3)The area dedicated for street purposes, drainage, sewer or utility easements on each sheet.

(4)The areas reserved for parks, schools, etc. on each sheet.

SUBDIVISION NAME:

SHEET NO.

(1)Total area of original tract shown on this plan equals \_\_\_\_\_.

(a)Area in lots Nos. 1, 2, 3, etc. equals \_\_\_\_\_.

(b)Area in streets A-B-C equals \_\_\_\_\_.

(c)Area in easements equals \_\_\_\_\_.

(d)Area reserved for parks, schools, etc., equals \_\_\_\_\_.

Total area of Subdivision Equals \_\_\_\_\_.  
(Should equal (1) above.)

(2)Streets:

(a)Street - Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

(b)Street - Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

(c)Street - Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

Total Area of Streets equals \_\_\_\_\_  
(Should equal (b) above.)

(3)Easements:

Sewer  
Easement - Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

Drainage  
Easement - Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

Utility  
Easement \_ Station \_\_\_\_to Station \_\_\_\_Equals \_\_\_\_.

Total Area of Easements equals \_\_\_\_\_  
(Should equal (c) above.)

(4)Other Areas:

Park Area (locate) \_\_\_\_\_ equals \_\_\_\_\_.

School Area (locate) \_\_\_\_\_ equals \_\_\_\_\_.

Other (define and locate) \_\_\_\_\_ equals \_\_\_\_\_.

Total remaining area equals \_\_\_\_\_  
(Should equal (d) above.)

(5)A grading plan with two foot (2') contour intervals depicting existing and proposed topographic conditions for the entire subdivision including on and off site easements. Elevations on this plan shall refer to N.G.V.D. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

(Amended 7/18/88)

### 3. Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background. The Board of Health shall, within forty-five (45) days after filing of the Plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.

### 4. Review by Other City Officials

The Clerk of the Planning Board will transmit copies of the Definitive Plan to City Officials other than the Board of Health as follows:

One (1) copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the City Planner, the Fire Chief and the Conservation Officer. (Amended 7/18/88 & 1/7/91)

Before the Definitive Plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if thirty-five (35) days have elapsed since transmittal of the Definitive Plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

- (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
- (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system. (Amended 12/2/91)
- (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.

(d) (Deleted 12/2/91)

#### 5. Soil Survey

Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.

#### 6. Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than fourteen (14) days before the day of such hearing. Notice shall also be provided to property owners within five hundred (500') feet of the subdivision. (Amended 7/18/88)

The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in Chapter 41, Section 81 U of the General Laws, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works, Board of Health, and other laws pertaining thereto.

Before final approval of the plan the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.

Before final approval of the plan the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or

Definitive Plan. See Chapter 41 Section 81Q of the General Laws, and amendments thereto. The Board may, as a condition of granting a permit under Section 81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.

#### 7. Performance Guarantee

Before endorsement of the Board's approval of a Definitive Plan of subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Planning Board.

##### (a) Approval with Bonds or Surety

The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under (b) hereof. Such bond or security, if filed or deposited shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.

##### (b) Approval with Covenant

The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under (a) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

The developer shall also note on his Definitive Plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

#### 8.Reduction of Bond Surety

The penal sum of any such bond or the amount of any deposit held under Clause 7(a) above, may from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part, to a minimum of 10% of the total costs to complete the required improvements specified in Section V. Said costs shall be the costs necessary to complete the required improvements at the time release is applied for.

#### 9.Release of Performance Guarantee

Upon the completion of improvements required under Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the City Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Section V, such statement to contain the address of the applicant, and the City Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has been completed, it shall notify the City Treasurer in writing that it releases the interest of the City in such bond or deposit, and that such bond or deposit shall be returned to the person or persons who furnished the same, or in the case of covenant it shall issue a written release of the covenant suitable for recording. However, ten percent (10%) of the total costs to complete the required improvements specified in Section V shall be held by the City for one (1) year after completion of construction or until the streets are accepted by the City, whichever comes first. The total costs shall be those costs necessary to complete the required improvements at the time release is applied for.

The Planning Board shall request the Commissioner of Public Works approximately sixty (60) days before the expiration of the year to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and to make his recommendation to the Board as to whether or not it



should recommend same to the City Council for the laying out of said street or way or portion thereof as a public way. If the recommendation is in the affirmative, the Board shall so recommend to the City Council forthwith, including in such recommendation, notification that the year for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way should be laid out as a public way and the maintenance of same to become the responsibility of the City.

Upon the expiration of the year, for which the developer is responsible for maintenance of said way, and said developer has complied with all the requirements of the Planning Board Rules and Regulations in accordance with an inspection report of said way from the Commissioner of Public Works and the Board has recommended to the City Council that said way should be laid out as a public way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the developer.

Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval: or fifteen (15) days shall elapse after the request for said approval without action:

From the Commissioner of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and drainage, and planting and seeding. (Amended 12/2/91)

From the Board of Health as to the installation of sewage disposal facilities if applicable, and adequate lot drainage.

From the Commissioner of Public Works as to construction and installation of water and sewer facilities.

(Deleted 12/2/91)

If the Planning Board determines that said construction or installation has not been completed or does not receive the above written statements of approval, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained under Section V. Upon failure of the Planning Board to

act on such application within forty-five (45) days after the receipt of the application by the City Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void.

In the event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

#### 10. Certificate of Approval

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations, and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan as been approved and endorsed, the Planning Board shall return the original to the applicant.

The Planning Board may agree to an extension of the minimum time normally required for action following submission of a Definitive Plan and action thereon, upon the written request of the applicant.  
(Amended 7/18/88)

Approval of the Definitive Plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.

11.Decision (Added 7/18/88)

After the Public Hearing the Board in due course will approve, modify and approve, or disapprove the Definitive Subdivision Plan submitted. Criteria for action by the Board shall be the following:

- (a)Completeness and technical adequacy of all submissions;
- (b)Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation;
- (c)Conformity with the requirements of Section IV;
- (d)Determination and selection of preferred plan, (Added 1/7/91) based upon alternatives presented in the Comprehensive Impact Analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for; (Added 1/7/91)
- (e)Determination that access to the subdivision is adequate, as provided in Section II-G;
- (f)Conformity with all applicable zoning requirements;
- (g)Consistency with the purposes of the Subdivision Control Law.

Section IV.DESIGN STANDARDS (Amended 7/18/88) (Redesignated Sections A-J as B-K respectively)

A.Design Guidelines (Added 7/18/88)

All subdivisions shall be designed and improvements made by the developer consistent with the requirements of Section IV.

In addition, design and construction shall accomplish the following:

1)Reduce, to the extent reasonably possible:

- (a)volume of cut and fill;
- (b)area over which existing vegetation will be disturbed, especially if within 200 feet (200') of a river, pond, or stream, or having a slope of more than 15%.;
- (c)number of mature trees removed;
- (d)extent of waterways altered or relocated;
- (e)erosion and siltation;
- (f)flood damage;
- (g)number of driveways exiting onto existing streets, or ways, rather than onto newly built or proposed subdivision roadways;
- (h)disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- (i)impact on water and sewer facility's ability to service other development in the City.

2)Increase, to the extent reasonably possible:

- (a)vehicular use of collector streets to void traffic on streets providing house frontages;
- (b)legal and physical protection of views from public ways;
- (c)street layout facilitating south orientation of houses;
- (d)use of curvilinear street patterns.

## B.Streets

### 1.Location

- (a)All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with

the Rules and Regulations of the Commissioner of Public Works.

- (b) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (c) Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- (d) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.

## 2. Alignment

- (a) Street jogs with centerline offsets of less than one hundred and fifty feet (150') shall be avoided whenever practicable.
- (b) The minimum centerline radii of curved streets shall be as follows:  
  
Lanes - one hundred and twenty-five feet (125'). (Added 7/18/88)  
  
Other Secondary Streets - one hundred and fifty feet (150').  
  
Major Streets - three hundred and fifty feet (350').
- (c) A centerline tangent section at least 150 feet (150') in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their centerline radii is less than 500 feet (500'). (Amended 7/18/88)
- (d) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- (e) Property lines at street intersections shall have a radius equal to 30 feet (30') at intersections involving a Major Street and 25 feet (25') at other intersections. (Amended 7/18/88)

(f) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of six hundred feet (600') to twelve hundred feet (1200') in length, unless otherwise specified by the Planning Board. In lieu of actual construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

### 3.Width

(a) The minimum width of rights-of-way shall be as follows:

Secondary streets: fifty feet (50');

Major streets and such secondary streets, which in the judgement of the Planning Board may in the future be changed in character to become a major street: sixty feet (60').

(b) When a secondary street will provide the only access for lots fronting on a length in excess of five hundred feet (500') or where on a major street potential volume is such to warrant it, the Planning Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

### 4.Grade

(a) The centerline gradient for any street shall not be less than one percent (1%). (Amended 7/18/88)

(b) The maximum centerline grade for streets shall be as follows:

Lanes - ten percent (10%) (Amended 7/18/88)

Other secondary street - eight percent (8%)

Major street - five percent (5%)

(c) Where changes in grade exceed one percent (1%), reasonable vertical curves, as required by the Commissioner of Public Works will be provided; and

where a grade is five percent (5%) or greater within one hundred and fifty feet (150') of the intersection of street right-of-way lines, there shall be provided a levelling area of at least seventy-five (75') feet with a maximum grade of three percent (3%).

The horizontal tangent distance between any two (2) reverse vertical curves shall be a minimum of one hundred feet (100'). (Amended 7/18/88)

(d) Vertical curves shall be a minimum of one hundred feet (100') in horizontal length and provide for a minimum sight distance of two hundred feet (200'). (Amended 7/18/88)

#### 5. Deadend Streets

(a) Deadend streets shall not be longer than five hundred feet (500') unless provided with a divided roadway (see 3(b) above) or unless in the opinion of the Planning Board such a greater length is necessitated by topography or other local conditions. (Amended 7/18/88)

(b) Deadend streets shall be provided at the closed end with a turn-around having a property line diameter of one hundred and twenty feet (120') for a major street, and one hundred feet (100') for a secondary street, unless otherwise specified by the Planning Board.

(c) The slope of the road shall not exceed three percent (3%) beyond a point seventy five feet (75') before the radius point of the turn around area. (Amended 1/7/80)

#### C. CURB CUTS

1. Driveways shall be minimum of ten feet (10') and a maximum of twenty-four feet (24') in width and have a curb return at the edge of travelled way of three feet (3') radius. (Amended 7/18/88)

2. Driveways to service the individual building lots shall comply with the applicable provisions of the City Code. (Amended 7/18/88)

3. Wheelchair ramps shall be provided as shown in Appendix I of these Rules and Regulations. (Amended 7/18/88)

#### D. EASEMENTS

1. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary

and shall be at least thirty feet (30') wide.

2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width and proper side slope.
3. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least forty feet (40') wide.
4. Any and all easements to be accepted by the City shall be bounded at all P.C.s, P.T.s and angle points prior to acceptance by the City of Marlborough. (Amended 1/7/80)
5. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or P.C.s and P.T.s. (Amended 1/7/80)

#### E. OPEN SPACE

1. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography, and natural character for the purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one (1) acre or shall be part of a similar area in an adjoining subdivision, so that the total area is not less than one (1) acre. Unless, otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than ten percent (10%) of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.



2.The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a home owners association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two (2) years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least two thirds of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision that:

"You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six (6) months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."

A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification. (Amended 1/7/91)

#### F.PROTECTION OF NATURAL FEATURES

Due regard shall be shown for all natural features, such as large trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees twelve inches (12") in diameter or larger shall not be removed.

#### G.LOT DRAINAGE

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

#### H.FIRE ALARMS (Deleted 12/1/91)

#### I.FIRE HYDRANTS

Hydrants shall be provided every five hundred (500') running feet on one side of each street unless a greater distance is approved by the Commissioner of Public Works in writing. They shall be a style approved both by the Fire Chief, the Commissioner of Public Works and the American Insurance Association.

#### J.SIDEWALKS, GRASS PLOTS, TREES

See Cross Sections in Appendix F

#### K.STREET LIGHTS

Street lighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board. (Amended 3/7/74)

#### L.ALTERNATIVE STANDARDS

Applicants may request that their land be developed under Alternative Standards. To qualify, the subdivision must be limited to no more than two-thirds (2/3) the number of lots which could be created on the same parcel under the then current zoning requirements to be assured through restrictions presenting subsequent re-division. The alternative standards may be as follows:

- 1.Pavement width may be four feet (4') narrower than otherwise required;
- 2.Centerline radii may be twenty-five feet (25') shorter than otherwise required;
- 3.Street grades may be one percent (1%) steeper than otherwise required;
- 4.A sloping "Cape Cod Berm" of 4" x 12" may be used in lieu of curbing;
- 5.Sidewalks may be required only if they can be connected with existing sidewalks on streets by which the subdivision is reached.

The Planning Board may approve development under Alternative Standards in cases where, in the opinion of the Planning Board, the density reduction provides substantial benefit to City objectives, and the use of Alternative Standards is consistent with sound planning and engineering practice. (Amended 7/18/88)

#### SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

##### A. GENERAL

1. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the Standard Cross Section (See Appendix F), Street Layout Plan, Profile and the following.
2. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges, hereinafter referred to as the Standard Specifications as amended, the Commonwealth of Massachusetts Construction Manual, Construction Standards and the Special Provisions included hereinafter. (Amended 1/7/80)
3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
4. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
5. Wherever in the Standard Specifications or other contractual documents, the following terms, or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

"Commonwealth" --City of Marlborough

"Department" -- Department of Public Works,  
City of Marlborough

"Engineer" --The Commissioner of Public Works of the City of Marlborough  
acting directly or through an  
authorized representative acting  
within the scope of the particular  
duties entrusted to him.

6.The extent of work required is as shown approximately upon approved plans,  
and, in compliance with the Standard Cross Section Plans, stakes  
shall be set which will indicate the exact amount of cut or fill.

7.As each construction operation is completed, it shall be approved by the  
Engineer previous to starting work in the succeeding operation.

8.At the time the street or way or portion thereof is ready for acceptance and  
to facilitate acceptance by the City of Marlborough, the developer  
shall have prepared and certified by a Registered Land Surveyor a  
"Plan of Acceptance" drawn with indian ink on tracing cloth or  
single matte, 3 mil. mylar (size 18" x 24" or 24" x 36") showing  
widths, areas, lengths, bearings of all boundary lines of streets  
and easements and radii, tangents and central angles of all curves  
in street lines. It shall show that all stone bounds have been  
set. (Amended 7/18/88)

A blank space (4" x 8") shall be provided on the lower right-hand corner on the  
plan for a title block to be filled in by the City Engineer. The  
Surveyor shall place a certification on the plan stating "The  
street (or way or portion thereof) is laid out and the bounds have  
been set as shown on this plan" and shall be dated, signed and the  
surveyor's stamp affixed thereon. The plan shall be submitted to  
the City Engineer.

9.The developer will have the original plans and profiles that were submitted  
to the Planning Board and that are on file in the City Engineer's  
office, corrected and certified by his Engineer to show the actual  
as built locations and grades of all utilities and roadway profile  
and any changes authorized by the Planning Board. This will be  
done in a manner approved by the City Engineer.

## B. STREET AND ROADWAY

1. The roadway shall be graded and prepared for pavement as follows:

- (a) 101 Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks, and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible. (Amended 7/18/88)
- (b) 120 Roadway Earth Excavation shall remove all unsuitable materials encountered down to the true surface of the sub-grade, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills as required, if, in the opinion of the Engineer, they are suitable.
- (c) 150 When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the sub-grade or sub-base, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (d) 170 The sub-grade surface (16" below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft or spongy material below the sub-grade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest diameter. (Amended 7/18/88)
- (e) 405 Gravel base course shall consist of approved gravel placed upon the sub-grade or sub-base as directed and in accordance with these specifications and in reasonable close conformity with the lines and grades shown on the plans or established by the Engineer.
- (f) 405.60 The gravel shall be spread in layers upon the prepared sub-grade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches (4") thick, compacted measure.

The gravel shall be compacted and placed to the tolerance as stipulated in Section 401, Gravel or Crushed Stone sub-base.

At the conclusion of this step the roadway shall be staked in all locations where permanent monuments are to be installed as provided in sub-section 7.13.

2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in Section IV A.2 above. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. The minimum width of roadways shall be as follows:

Lanes - twenty-six feet (26')

Other Secondary Streets - thirty-two feet (32')

Major Streets -

residential - thirty-eight feet (38')

industrial & commercial - forty-four feet (44') (Amended 7/18/88)

3. 460 The wearing surface of roadways shall be of Class 1 Bituminous Concrete Pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses with a final pavement depth after rolling of four inches (4") upon the prepared surface and in conformity with lines, grades and typical cross-section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30th of any year nor after November 1st of any year without written permission of the City Engineer. (Amended 7/18/88)

4. 658 Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces, or retaining walls. All such slopes shall be

grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

5. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the Planning Board. (Added 7/18/88)

#### C. UTILITIES

1. 140 Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B, encountered in trench excavation shall be removed as directed by the City Engineer.

2. 200 All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway sub-grade and before the placing of the sub-base, gravel base course, sidewalks or pavement.

Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of one percent (1%) and a maximum slope of nine percent (9%). (Amended 7/18/88)

Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.

3. 200, 220, 230 Adequate disposal of surface and sub-surface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 and shall be built on both sides of the roadway at intervals not to exceed three hundred feet (300'), unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper run off of storm water. In no instances shall catch basins be located along a driveway cut. The standard depth of catch basins shall be two feet six inches (2'6") below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in

conformity with the requirements of Section 230 for installation of pipes.

Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved "Definitive Plan". (Amended 7/18/88)

4. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.

5. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

#### D. SIDEWALKS, CURBS AND GUTTERS

1. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:

Along secondary streets - six feet (6') including curb;

Along major streets - six feet (6') including curb. (Amended 7/18/88)

2. 700 Bituminous concrete sidewalks having a minimum thickness of two inches (2") after compression, shall be constructed on a six inch (6") gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a shaped granite curbing or upright granite curbing as approved by the Commissioner of Public Works. (Amended 1/7/80 & 7/18/88)

3. 700 If desired, Granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the "Standard Specifications".



#### E. GRASS PLOTS

1. Grass plots on secondary road layouts will not be permitted.
2. Grass plots on major roads or secondary roads (based on sixty foot (60') layout) may be permitted if desired by the Planning Board.
3. Grass plots on secondary roads fifty foot (50') layout in P.U.D. developments which are to be privately maintained may be permitted if desired by the Planning Board.

#### F. TREES

1. Street trees of a species approved by the City Forester shall be planted on each side of each street in a subdivision, except where the Definitive Plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the Profile and Standard Cross Section Plans, Appendix F, approximately at forty foot (40') intervals, and shall be at least twelve feet (12') in height, and a minimum of three inch (3") caliper. (Amended 7/18/88 & 1/7/91)
2. The subdivider shall plant other trees as needed to provide at least two (2) areas of shade to each lot.
3. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.

#### G. MONUMENTS

1. Monuments shall be installed at all street intersections, at all points of change in direction, or curvature of streets along all easements as described in IV-D-4, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary. (Amended 7/18/88)
2. Monuments shall be standard permanent granite, 6"x6"x4', with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface. (Amended 7/18/88)

#### H. STREET SIGNS AND NAMES

1. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
2. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.

#### I. STREET LIGHTS

1. Street lights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon.  
(Amended 6/29/72)

#### J. FIRE ALARM SYSTEM (Deleted 12/2/91)

#### K. UNDERGROUND LINES

1. Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

#### L. CABLE TELEVISION (Added 7/18/88)

1. Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works, to serve all lots within the proposed subdivision.

#### M. SIGNAGE (Added 7/18/88)

1. Regulatory and warning signs shall be installed in accordance with the requirements of the City Engineer.

#### N. GUARDRAILS (Added 7/18/88)

1. Guardrails shall be provided at the locations designated by the City Engineer.

O. MAILBOXES (Added 1/7/91)

1. Mailboxes shall be installed in accordance with Appendix J.

SECTION VI ADMINISTRATION

A. VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. REFERENCE

For matters not covered by these Rules and Regulations, reference is made to Section 81K to 81-GG, inclusive of Chapter 41 of the General Laws of Massachusetts.

C. BUILDING PERMIT

1. No building shall be erected within a subdivision without written release from the Planning Board.
2. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained. Chapter 41, Section 81-Y, and amendments thereto.

D. INSPECTIONS

1. Inspections shall be arranged for by the subdivider with the proper City official for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
2. Inspection shall be requested in writing at least forty-eight (48) hours in advance of each inspection to the proper City official and a copy

of each request shall be sent to the Clerk of the Planning Board.

3. Inspection shall be for the following:

- (a) Satisfactory excavating;
- (b) Satisfactory filling;
- (c) Satisfactory compacting;
- (d) Satisfactory completion of the pavement;
- (e) Satisfactory finish grading of grass plots;
- (f) Satisfactory placing of curbs and gutters;
- (g) Satisfactory construction of sidewalks;
- (h) Satisfactory installation of sanitary sewers and related equipment or on site disposal systems;
- (i) Satisfactory installation of water mains and appurtenances;
- (j) Satisfactory installation of surface and sub-surface drainage system and related equipment;
- (k) Satisfactory installation of monuments.

4. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.

5. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

#### E. VALIDITY

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

APPENDIX A

APPLICATION FOR ENDORSEMENT OF  
PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one  
copy with the City Clerk in accordance with the  
requirements of Section II-B.

Marlborough, Massachusetts

\_\_\_\_\_  
(Date)

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1.Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

2.Name of Engineer \_\_\_\_\_

Address \_\_\_\_\_

3.Deed of Property recorded in \_\_\_\_\_ Registry of  
Deeds Book \_\_\_\_\_ Page(s) \_\_\_\_\_.

4.Location and description of property:

\_\_\_\_\_  
Signature of Owner

Address: \_\_\_\_\_

APPENDIX B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy  
with the City Clerk in accordance with the requirements of  
Section III-A.

Marlborough, Massachusetts

\_\_\_\_\_  
(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1.Name of Subdivider: \_\_\_\_\_

Address: \_\_\_\_\_

2.Name of Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

3.Deed of property recorded in \_\_\_\_\_ Registry

of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

4.Location and description of property:

\_\_\_\_\_  
Signature of Owner

Address: \_\_\_\_\_

APPENDIX C  
(Amended 11/19/74)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy  
with the City Clerk in accordance with the requirements of  
Section III-B.

Marlborough, Massachusetts

\_\_\_\_\_  
(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the City of Marlborough for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board of the City of Marlborough.

1.Name and Record Owner of Land: \_\_\_\_\_

Address: \_\_\_\_\_ (Amended 11/19/74)

2.Name of Subdivider: \_\_\_\_\_

Address: \_\_\_\_\_

3.Name of Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

4.Deed of property recorded in \_\_\_\_\_ Registry of

Deeds Book \_\_\_\_\_ Page(s) \_\_\_\_\_.

5.Location and description of property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6.Date of completion of ways, public utilities, and other

facilities: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Address of Owner

APPENDIX D  
(Amended 7/18/88)

PETITION FOR APPROVAL OF FINAL PLAN

Date: \_\_\_\_\_

City Clerk  
City Hall  
Marlborough, MA 01752

The undersigned petitioner desires to subdivide a parcel of land and to open in the City of Marlborough, as described on plot, ways or street for access to all lots of land within the parcel. Said parcel of land is described as follows:

All as more particularly described and bounded on a plot or plan filed herewith and made a part of this petition. The following are all of the mortgages and other liens or encumbrances on the whole or any part of the described property:

The undersigned hereby applies for the approval of said plan by the Planning Board. The undersigned hereby covenants and agrees with the City of Marlborough upon the approval of said plan:

- a.to complete the ways as finally approved by the Board within \_\_\_\_\_ (months or years) from the date hereof;
- b.to install utilities in accordance with the Rules and Regulations of the Planning Board, the Commissioner of Public Works, Board of Health, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways or streets;
- c.to complete and construct the said streets or ways in accordance with Section II (General Requirements) and the approved plan, profile, and cross-sections of same. All to be in accordance with the specifications provided for in said Rules and Regulations of the Board. Said plans, profiles, cross-sections, and construction specifications are specifically, by reference, incorporated herein and made a part of this petition. This petition shall be binding upon all heirs, executors, administrators, successor, grantees of the whole or part, and assigns of the undersigned.

\_\_\_\_\_  
Authorized Signature of Applicant



APPENDIX E

Date: \_\_\_\_\_

To the Marlborough Planning Board:

In preparing the plan entitled \_\_\_\_\_

\_\_\_\_\_

my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from \_\_\_\_\_ to \_\_\_\_\_

Dated \_\_\_\_\_ and recorded in the Middlesex South District

Registry of Deeds Book \_\_\_\_\_ Page \_\_\_\_\_.

2. Other plans as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Oral information furnished by: \_\_\_\_\_

4. Actual measurement on the ground from a starting point established by: \_\_\_\_\_

5. Other sources: \_\_\_\_\_

\_\_\_\_\_

Signed \_\_\_\_\_

APPENDIX F  
(Amended 7/18/88)

TYPICAL CROSS SECTIONS

All plan submittals shall use "Typical Section 1" included in "Appendix F" of these regulation, as a basis of design unless another typical section is approved in writing by the Marlborough Planning Board.

1. Granite curb inlets (6'x6"x18") shall be utilized at all catchbasins.
2. Generally, main surface water drain lines shall be placed on the high side of the road and all other utility lines located respectively in accordance with the typical section.
3. Water and sewer utilities shall be installed in accordance with the most recent provisions of the City of Marlborough Water & Sewer Ordinance.
4. Excavations and backfilling of all utilities shall be in accordance with the requirements of the Marlborough Department of Public Works.
5. Design of utilities and structures shall meet the latest State standards and local D.P.W. regulations as applicable.
6. Wheelchair ramps will be provided as depicted in "Appendix I".
7. Vertical granite curbing may be required along all streets where maximum slope regulations have been waived. Limits shall be determined by the City Engineer.
8. Grade and alignment stakes shall be set for each utility and for the road construction.

APPENDIX G

INSPECTION FORM  
(Amended 12/2/91)

Marlborough, Massachusetts

Name of Subdivision: \_\_\_\_\_

Street \_\_\_\_\_

	Date	Inspector's
<u>Item Inspected</u>	<u>Inspected</u>	<u>Remarks</u>
<u>Approval</u>	<u>Signature</u>	

Excavation \_\_\_\_\_

Filling \_\_\_\_\_

Compacting \_\_\_\_\_

Laying Water Mains \_\_\_\_\_

Completion of Pavement \_\_\_\_\_

Grading of Curbs \_\_\_\_\_  
and Gutters

Construction of \_\_\_\_\_  
Sidewalks

Installation of \_\_\_\_\_  
Sanitary Sewers and  
Related Equipment

Installation of \_\_\_\_\_  
Monuments

Installation of \_\_\_\_\_  
Hydrants

APPENDIX H  
(Amended 7/18/88)

DRAINAGE DESIGN

Drainage Design:

The following general criteria shall be employed in the design of surface water drainage systems for subdivisions:

Minimum inside pipe diameter - 12".

Type of pipe - Class IV, reinforced concrete.

Maximum distance between catch basins - 300 feet.

Minimum ground cover over pipe - 2.5'.

Minimum size on catchbasin sumps - 2.5'.

Maximum change in the direction of flow - 90 degrees.

Pipe ends - headwall or flared end.

Generally, catchbasins should be placed three feet (3') before the P.C. of curb returns at intersections. Where roadway grades exceed seven percent (7%), basins should be spaced closer than the above noted 300 feet as determined by the City Engineer. Manholes shall be provided at all points along the main line where changes in horizontal and vertical alignment are proposed. At structures where pipe sizes increase along the main line the crown of the pipes shall match in elevation. Cross-drain inverts should, where possible, enter the structure a minimum of one foot (1') above the outgoing invert.

Computations:

The following methods shall be used to perform the hydraulic and hydrologic calculations for the subdivision:

Watershed parameters - "TR55, Urban Hydrology for Small Watersheds", U.S. Soil Conservation Service, USDA.

Existing and proposed runoff hydrographs - "TR20 - Computer Program for Project Formulation Hydrology", U.S. Soil Conservation Service, USDA.

### Design Storm Criteria

Generally post development flows must be equal to or less than pre-development flows measured at each analysis point.

Hydrologic analyses: 10 year and 100 year recurrence intervals, Type II, 24 hour, rainfall distribution.

Hydraulic analyses: 25 year storm recurrence interval, rational formula.

Alternative methodologies and design criteria shall only be allowed upon written approval by the City Engineer.

APPENDIX K  
(Added 7/18/89, Amended 1/7/91)

SUBDIVISION REGULATIONS FEE SCHEDULE

The Planning Board shall require fees for submission, review and approval of Approval Not Required Plans, Preliminary Subdivision Plans, Definitive Subdivision Plans, and Inspections. Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in City Hall and available from the City Clerk's Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City, whether by City employees or by consultants.

The fees cover application filing, public notice, and advertising for hearings, data collection, analysis, Department of Public Works review, Planning Department review, zoning and subdivision regulation compliance, legal review of covenants, establishing bonding amounts, review and filing of bonding instruments, issuing lot releases, field testing, and inspections of roadways and utilities under construction, administration of acceptance of streets, issuance of street names and numbers.

APPROVAL NOT REQUIRED PLAN

\$50.00 filing fee, plus \$50.00 for each lot described on the plan. (Amended 1/7/91)

To be paid at the time of plan submission.

PRELIMINARY SUBDIVISION PLAN

\$200.00 filing fee plus \$1.00 per linear foot of proposed roadway.

Plus \$100.00 for advertising for public hearing, if held.

Plus mailing costs. (Added 1/7/91)

To be paid at the time of plan submission.

DEFINITIVE SUBDIVISION PLAN

\$500.00 filing fee plus \$2.00 per linear foot of proposed roadway less 80 percent (80%) of all fees paid for preliminary subdivision plan if filed within seven (7) months (Amended 1/7/91) of filing of preliminary plan.

Plus \$100.00 for advertising for required public hearing.

Plus mailing costs. (Added 1/7/91)

To be paid at the time of plan submission.

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL (Added 1/7/91)

\$200.00 filing fee.

\$100.00 advertising for public hearing, if any.

Plus mailing costs.

To be paid at the time of plan submission.

INSPECTION OF SUBDIVISION CONSTRUCTION

\$50.00 plus \$1.00 per linear foot of proposed roadway.

To be paid after approval of subdivision plan and expiration of appeal period, but prior to signing of Definitive Plans by Planning Board.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's study, (such as a traffic, impact, ground water, or sub-surface study) considered necessary by the Planning Board shall be borne by the applicant in full and shall be in addition to the filing fee or paid directly to the consultant.

All fees to be in the form of a check made payable to the City of Marlborough.

Signed \_\_\_\_\_  
Barbara L. Fenby, Chairperson  
MARLBOROUGH PLANNING BOARD